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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/829,256

04/22/2004

Yoichi Saji

26E-008

7245

23400

7590

11/03/2006

POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER

HUSON, MONICA ANNE

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/829,256

Applicant(s)

SAJI ET AL.

Examiner

Monica A. Huson

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 042204.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 USC 103(a) as being unpatentable over Aritake (U.S. Patent 6,571,514). Regarding Claim 1, Aritake shows that it is known to carry out a method for producing a weather strip which includes an extruded straight part and a molded part provide at an end of the extruded straight part (Abstract), comprising the steps of providing protrusions in a mold so as to protrude into a mold cavity from positions adapted to mold a bottom part of the weather strip (Figure 3; It is implicit that the non-depicted mold would fit around elements 23 and 24 and by doing so, there would be protrusions oppositely-matching the recesses in elements 23 and 24.); injecting a molding material from an upper face of said mold into said mold cavity from positions adapted to mold a side part of the weather strip with a first sprue gate provided on an upper side of said mold (Figure 3, element 26; Column 3, lines 16-34; Column 5, lines 40-62); injecting a molding material from an upper face of said mold into said mold cavity from positions adapted to mold the bottom part and another side part of the weather strip through said protrusions provided in said mold with a second sprue gate provided on an upper side of the mold (Figure 3, element 25; Column 3, lines 16-34; Column 5, lines 40-62; It is being interpreted that Figure 3 is in its own "upper face" plane, wherein a lower face plane would include a matching mold half.). Aritake does not show a plurality of first and second gates. However,

duplication of parts has no patentable significance unless a new and unexpected result is produced (See MPEP 2144.04 VI (B)). Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use as many gates as necessary during Aritake's process in order to optimize the filling of the cavity.

Regarding Claim 2, Aritake shows that it is known to carry out a method for producing a door glass run which includes an extruded straight part and a molded part provide at an end of the extruded straight part, each having a generally U-shaped cross section (Abstract; Figure 3, element 23, 24; Column 1, lines 24-37), comprising the steps of providing protrusions in a mold so as to protrude into a mold cavity from positions adapted to mold a bottom part of the door glass run (Figure 3; Column 1, lines 24-37; It is implicit that the non-depicted mold would fit around elements 23 and 24 and by doing so, there would be protrusions oppositely-matching the recesses in elements 23 and 24.); injecting a molding material from an upper face of said mold into said mold cavity from positions adapted to mold a side part of the door glass run with a first sprue gate provided on an upper side of said mold (Figure 3, element 26; Column 3, lines 16-34; Column 5, lines 40-62); injecting a molding material from an upper face of said mold into said mold cavity from positions adapted to mold the bottom part and another side part of the door glass run through said protrusions provided in said mold with a second sprue gate provided on an upper side of the mold (Figure 3, element 25; Column 3, lines 16-34; Column 5, lines 40-62; It is being interpreted that Figure 3 is in its own "upper face" plane, wherein a lower face plane would include a matching mold half.). Aritake does not show a plurality of first and second gates. However, duplication of parts has no patentable significance unless a new and unexpected result is produced (See MPEP 2144.04 VI (B)). Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the

invention was made to use as many gates as necessary during Aritake's process in order to optimize the filling of the cavity.

Regarding Claim 3, Aritake shows the process as claimed as discussed above in the rejection of claim 1 above, including a method wherein the molding material is injected with the second sprue gates directly (Figure 3, element 26), meeting applicant's claim.

Regarding Claim 4, Aritake shows the process as claimed as discussed above in the rejection of claim 1 above, including a method wherein the molding material is injected with said second sprue gates by way of short tab gates provided in said protrusions (Figure 3, element 26), meeting applicant's claim.

Regarding Claim 5, Aritake shows the process as claimed as discussed above in the rejection of claim 2 above, including a method wherein the molding material is injected with the second sprue gates directly (Figure 3, element 26), meeting applicant's claim.

Regarding Claim 6, Aritake shows the process as claimed as discussed above in the rejection of claim 2 above, including a method wherein the molding material is injected with said second sprue gates by way of short tab gates provided in said protrusions (Figure 3, element 26), meeting applicant's claim.

Regarding Claims 7-9, Aritake shows the process as claimed as discussed above in the rejection of claim 2 above, but he does not show the specific mold configuration. However, the claimed elements are not seen to cause specific effects on the stepwise method of the independent claim. To be entitled to weight in method claims, recited structural limitations must affect the method in a manipulative sense and not amount to mere claiming of a use of a particular structure. *Ex parte Pfeiffer* 135 USPQ 31. It is not evident that the claimed structural limitations materially affect the method steps, and therefore, it would have been prima facie obvious to one of ordinary skill in the

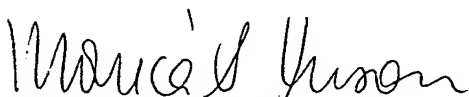
art at the time the invention was made to make modifications of a particular mold in order to accommodate particular circumstances which warrant alterations.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A. Huson whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Monica A Huson

October 27, 2006